

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MARKEL AMERICAN INSURANCE  
COMPANY,

*Plaintiff*

v.

RAYMOND FERRONE,

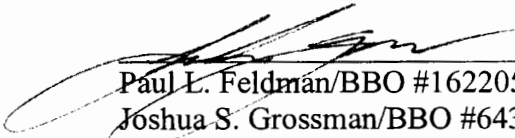
*Defendant.*

C.A. NO. 04-12144 GAO

**DEFENDANT'S ASSENTED-TO MOTION FOR LEAVE  
TO FILE THIRD-PARTY COMPLAINT**

The Defendant Raymond Ferrone ("Ferrone") hereby moves, with the assent of the Plaintiff, for leave to file a third-party complaint naming his insurance agent, Shenkel Insurance Agency, Inc. ("Shenkel") pursuant to Fed. R. Civ. P. 14(c). In support thereof, Ferrone states that Shenkel's negligence in handling Ferrone's request to amend a navigational limitation of the marine insurance policy at issue in these proceedings has damaged Ferrone by jeopardizing his coverage and forcing him to litigate the question of coverage with the Plaintiff, Markel American Insurance Company ("Markel"). The claim Ferrone seeks to assert against Shenkel relates to the same transaction or occurrence at issue in the principal suit, namely, whether Shenkel, as agent for Ferrone, took the steps necessary to procure from Markel a certain amendment to the navigational limitation of the insurance policy in question, in order to expand its coverage to include the geographic area in which the insured suffered his loss. The inclusion of Ferrone's claim against Shenkel into this proceeding will not prejudice any party and will promote the efficient administration of judicial resources.

Respectfully submitted,  
**DEFENDANT,**  
**RAYMOND FERRONE,**  
By his attorneys,



Paul L. Feldman/BBO #162205  
Joshua S. Grossman/BBO #643939  
Davis, Malm & D'Agostine, P.C.  
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Dated: June 1, 2005

I HEREBY CERTIFY THAT A COPY OF THE ABOVE DOCUMENT  
WAS SERVED UPON THE ATTORNEY OF RECORD FOR EACH  
PARTY BY MAIL MAILED ON 6-1-05

